

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 737

House Bill No. 74*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-614(c), is amended by deleting subdivision (3) and substituting the following:

(3) Prior to the assignment of a school to the ASD, the commissioner shall consider geographic clusters of qualifying schools, feeder patterns, and previous LEA-led interventions with multiple eligible schools.

SECTION 2. Tennessee Code Annotated, Section 49-1-614(d)(1), is amended by adding the word "other" immediately before the language "ESEA".

SECTION 3. Tennessee Code Annotated, Section 49-1-614(k), is amended by deleting subdivision (1) and substituting the following:

(1)

(A) A school that has been removed from the LEA and placed in the ASD must remain in the ASD until the school is no longer identified as a priority school pursuant to § 49-1-602 for two (2) consecutive cycles beginning with the 2017 priority school list; provided, however, that a school shall not remain in the ASD for more than a ten-year period.

(B) Prior to a school exiting the ASD, the commissioner, in consultation with the LEA or the Tennessee public charter school commission, as appropriate, shall develop and approve a school transition plan for determining the school's exit from the ASD. The transition plan shall include a communication protocol for



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notifying the parents of students who currently attend ASD schools of the student's future school enrollment options.

(C) Notwithstanding subdivision (k)(1)(A), if the LEA is identified as an LEA earning the lowest accountability determination pursuant to § 49-1-602(a) and the parents of at least sixty percent (60%) of the students enrolled at the school demonstrate support for remaining in the ASD by signing a petition, then the school may remain in the ASD beyond the initial ten-year period.

SECTION 4. Tennessee Code Annotated, Section 49-1-614(k), is amended by deleting subdivisions (2)-(4) and substituting the following:

(2) Notwithstanding subdivision (k)(1) or any other provision to the contrary, the commissioner may determine that a school that entered the ASD and is operated as a charter school through authorization by the ASD pursuant to § 49-13-106, may exit the ASD prior to the expiration of the charter school's initial ASD charter agreement. The commissioner's determination must be based on metrics, including, but not limited to, the ASD's school performance framework (SPF) and school accountability results publicly reported on the department's website annually and must specify whether:

(A) The ASD-authorized charter school must apply to the LEA for authorization under § 49-13-107 before its initial ASD charter agreement expires; or

(B) The ASD-authorized charter school may apply to the Tennessee public charter school commission for a new charter agreement with a term not to exceed the term of the initial ASD charter agreement. If the commission grants the ASD-authorized charter school a new charter agreement, then the commission may agree to the assignment of all rights and obligations of the ASD, including, but not limited to, the rights and obligations provided in subsection (f) relating to the use of school buildings and facilities, for the duration of the new charter agreement, and the charter school has the right to continue to use the

LEA's school building for the duration of that charter agreement. Upon the expiration of the initial charter agreement with the commission, the charter school may apply to renew the charter agreement with the commission or apply to the LEA for a charter agreement. If a renewal is approved by the commission, then the LEA shall grant the charter school operator the option to enter into a lease agreement at or below fair market rental value to occupy the LEA's school building for at least three (3) years, or to purchase the building from the LEA at or below fair market value, less the value of capital repairs or improvements made to the school building by the charter school operator. After the three (3) year period, if the LEA determines to sell the school building the charter school operator is leasing, the charter school operator must be provided the right of first refusal to purchase the school building at or below fair market value, less the value of all rental payments made to the LEA during the term of the lease. For purposes of this subsection (k), "fair market value" or "fair market rental value" is determined by the LEA and the charter school operator each procuring a separate appraisal of the property. If the LEA and charter school operator do not mutually agree to use either of the two (2) appraisals to establish fair market value or fair market rental value, then the LEA or charter school operator may request an additional appraisal conducted by a party agreed upon by the LEA and the charter school operator to determine the fair market value or fair market rental value, as applicable. The cost of the additional appraisal must be shared by the parties.

(3) Except as provided in subdivisions (k)(2) and (k)(4), ASD-authorized charter schools must remain under the authority of the ASD for the duration of their initial ASD charter agreements. Upon expiration of an ASD charter agreement, the school must exit the ASD and the school building must be returned to the LEA. The governing body of the charter school may apply for a new charter agreement with the LEA according to §

49-13-107. The LEA must approve or deny the charter application pursuant to § 49-13-108.

(4) After an ASD school improves student performance such that the school is no longer identified as a priority school for two (2) consecutive cycles as referenced in (k)(1), the commissioner, in consultation with the LEA, shall implement the transition plan developed and approved by the commissioner pursuant to subdivision (k)(1)(B). If, at any time, an ASD-authorized charter school meets the priority exit criteria set forth in the state's accountability model, then the school may apply to the LEA or the commission for a new charter agreement with a term not to exceed the term of the initial ASD charter agreement. If the commission grants the ASD-authorized charter school a new charter agreement, then the commission may agree to the assignment of all rights and obligations of the ASD, including, but not limited to, the rights and obligations provided in subsection (f) relating to the use of school buildings and facilities, for the duration of the new charter agreement, and the charter school has the right to continue to use the LEA's school building for the duration of the charter agreement. Upon expiration of the new charter agreement with the commission, the charter school may apply to the commission to renew its charter agreement. If the charter agreement is renewed by the commission, then the LEA shall grant the charter school operator the option to enter into a lease agreement at or below fair market rental value to occupy the building for at least three (3) years, or to purchase the building at or below fair market value, less the value of capital repairs or improvements made to the school building by the charter school operator. After the three (3) year period, if the LEA determines to sell the school building the charter school operator is leasing, the charter school operator must be provided the right of first refusal to purchase the school building at or below fair market value, less the value of all rental payments made to the LEA during the term of the lease.

(5) Notwithstanding subdivision (k)(2)(B), an ASD-authorized charter school shall not apply directly to the commission for approval of a charter agreement prior to the 2022-2023 school year.

(6) Notwithstanding subdivisions (k)(1)-(4) or any other provision to the contrary, the commissioner may remove any school from the jurisdiction of the ASD at any time.

SECTION 5. The Tennessee public charter school commission is authorized to promulgate rules, including emergency rules, to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. This act takes effect upon becoming law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1135

House Bill No. 745*

by deleting all language after the caption and substituting the following:

WHEREAS, the COVID-19 pandemic has created public health and economic crises in the United States and in the State of Tennessee; and

WHEREAS, it is imperative that Tennesseans be armed with the skills necessary to survive and compete in a post-pandemic workforce; and

WHEREAS, *Site Selection* Magazine cites ACT WorkKeys® National Career Readiness Certificate (NCRC) as the way for working-age adults in rural areas to demonstrate their personal career aptitude and the readiness of their communities for corporate investment; and

WHEREAS, the State recognizes that many employers require the NCRC as a condition of employment; and

WHEREAS, the opportunity to pursue the industry-recognized, nationally portable NCRC will provide Tennesseans access to the jobs necessary for their recovery from the economic crisis caused by the COVID-19 pandemic; and

WHEREAS, in the spirit of the Complete College Tennessee Act of 2010, the NCRC aligns with the State's vision to increase the number of Tennesseans that earn a postsecondary credential in order to remain economically competitive nationally and globally; and

WHEREAS, the ability to attract business and industry into the State and its municipalities will aid the State in its recovery from the crises caused by the COVID-19 pandemic by allowing the State to achieve a statewide Work-Ready Community designation; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:



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SECTION 1. This act is known and may be cited as the "Tennessee Work Ready Opportunity Program."

SECTION 2. Tennessee Code Annotated, Section 49-6-6001(b), is amended by deleting subdivision (3) and substituting:

(3) LEAs and public charter schools shall provide each student participating in an assessment pursuant to subdivision (b)(1) the opportunity to:

(A) Subject to appropriation, retake the assessment one (1) additional time prior to graduation; and

(B) Take nationally recognized assessments which assess and certify students' career readiness as a strategy for providing students more choice in choosing a career pathway, such as the ACT WorkKeys® National Career Readiness Certificate (NCRC) examinations.

SECTION 3. The state board of education is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 630

House Bill No. 755*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2203, is amended by deleting subsection (a) and substituting:

(a) The commission may promulgate rules establishing minimum manufacturing standards and specifications for textbooks and instructional materials and establishing the conditions under which the commission contracts with publishers. The commission may make contracts with the publishers for a period of no more than seventy-three (73) months. The commission may extend any existing contracts entered after April 27, 1984, for up to two (2) additional years if the commission notifies the affected publishers at least six (6) months prior to the beginning of the extension period. With the advice and consent of the state board of education, in order to implement the board's standards and courses of study, the commission may prescribe minimum content and reading level of textbooks and instructional materials.

SECTION 2. Tennessee Code Annotated, Section 49-6-2206, is amended by deleting the section and substituting:

(a) An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education; provided, that this prohibition does not apply to textbooks and instructional materials previously listed and purchased with public funds. Upon application of the local board of education, the state board of education may waive this restriction when, in



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the state board's judgment, the unique or unusual needs of the LEA require it. In making waiver determinations, the state board of education must receive assistance from the department of education. The state board shall outline in its rules specific timeframes when waiver applications may be submitted by a local board of education; provided, that the state board shall allow applications to be submitted outside of the established timeframes in emergency circumstances, as defined by the state board in its rules. A public charter school may request a waiver for the use of textbooks and instructional materials in accordance with § 49-13-111.

(b) If the commissioner of education finds that an LEA knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee's academic standards no later than January 1, 2023.

(d) The state board is authorized to promulgate rules, including emergency rules, to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 49-6-2206, is amended by deleting the section and substituting:

(a) An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education; provided, that this prohibition does not apply to textbooks and instructional materials previously listed and purchased with public funds. Upon application of the local board of education, the state board of education may waive this restriction when, in the state board's judgment, the unique or unusual needs of the LEA require it. In making waiver determinations, the state board of education must receive assistance from the

department of education. The state board shall outline in its rules specific timeframes when waiver applications may be submitted by a local board of education; provided, that the state board shall allow applications to be submitted outside of the established timeframes in emergency circumstances, as defined by the state board in its rules. A public charter school may request a waiver for the use of textbooks and instructional materials in accordance with § 49-13-111.

(b)

(1) If the commissioner of education finds that an LEA knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

(2)

(A) A teacher or principal in any of the public schools of this state shall not use or permit to be used in the person's school, whether as a supplement to the LEA's or school's adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

(B) The commissioner of education shall withhold a portion of the state education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA intentionally violates subdivision (b)(1) by purposefully using, or permitting to be used, in the person's school, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee's academic standards no later than January 1, 2023.

(d) The state board is authorized to promulgate rules, including emergency rules, to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. Sections 1 and 2 of this act take effect upon becoming a law, the public welfare requiring it. Section 3 of this act takes effect July 1, 2021, at 12:01 a.m., the public welfare requiring it.